IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION No. 735 of 2006

Between:

N. Vedavathi and another

..... PETITIONERS

AND

Mandal Revenue Officer,

Jadcherla Mandal,

Mahaboobnagar District and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in proceeding to issue Pattadar Pass Book, Title Pass Book and ROR proceedings in favour of the 4th respondent without considering the application of the petitioners for cancellation of Pattadar Pass Book
No.W 339516 and Patta No.222, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel on either side.

It is the case of the petitioners that the petitioners and the
3rd respondent are own sisters, and behind back of the petitioners, the 3rd respondent, being eldest daughter and manager of the family, while the petitioners are minors, got mutated her name as title holder and possessor of some property of the joint family after demise of their father and obtained pattadar pass book and title deed in her favour. It is further stated that after coming to know the fact, the petitioners made an application before the 1st respondent seeking to cancel the said pattadar pass book and title deed issued in the name of the
3rd respondent, but the 1st respondent has not considered the same. In the meanwhile, the 3rd is proposing to register the said property existing in her name in favour of the 4th respondent and the 1st respondent is also preparing to issue pattadar pass book and title deed in favour of the 4th respondent. The petitioners are also filed objections before the
1st respondent, but the 1st respondent without considering the objections of the petitioners, proceeding to issue pattadar pass book and title deed in favour of the 4th respondent. Hence the petitioners are constrained to approach this Court by filing this writ petition.

A perusal of the entire record goes to show that the petitioners filed a civil suit in O.S.No.55 of 2005 on the file of the Principal Senior Civil Judge's Court,

Mahaboobnagar District at Jedcherla against the

3rd respondent for partition and the same is pending. This court cannot decide the title of the parties invoking the jurisdiction under Article 226 of the Constitution of India. Unless the title is declared, the petitioners cannot seek any writ of mandamus directing the 1st respondent not to issue pattadar passbook and titled deed. The petitioners can seek the remedy before the civil court. The Writ Petition is misconceived and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is clarified that if any orders passed by the revenue authorities, will be subject to the result of the aforesaid suit. No order as to costs.

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D.S.R.VARMA,J

Dated: 11.01.2006

Dsr